

Board Administration and Regulatory Coordination Unit

Division 3. Air Resources Board

Chapter 1. Air Resources Board

Subchapter 1.25. Administrative Procedures–Hearings

Article 4. Administrative Hearing Procedures for Review of Citations

Subarticle 13. Judicial Review

§ 60075.45. Judicial Review.

(a) Except for orders that have become final because a citee has failed to request a hearing to contest a citation (see sections 60075.17, 60075.22(b) and 60075.44(a)), a party may seek judicial review of a final order or decision by administrative mandamus pursuant to section 1094.5 of the Code of Civil Procedure. The right to petition shall not be affected by the failure to seek reconsideration before the agency.

(1) For citations arising under section 44011.6 of the Health and Safety Code, the citee may file for judicial review within 60 days from the date the order or decision becomes final under section 60075.44.

(2) For all citations issued under section 43028 of the Health and Safety Code, the respondent may file for judicial review within 30 days from the date the order or decision becomes final under section 60075.44.

(b) The state board may seek to enforce a final order in accordance with applicable law or decision in Superior Court.

NOTE: Authority cited: Sections 39600, 39601, 43028, 43031(a) and 44011.6(m), Health and Safety Code. Reference: *Mathews v. Eldridge*, 424 U.S. 319 (1976); Sections 43028, 43031(a) and 44011.6, Health and Safety Code; and Section 1094.5, Code of Civil Procedure.

REFERENCE